
SENATE BILL No. 9

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-42-19; IC 34-30-2-84.3.

Synopsis: Legend drug labels. Allows a patient to authorize the specification on a legend drug container label of the symptom or purpose for which the drug is prescribed. Provides certain immunity for a practitioner.

Effective: July 1, 2005.

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January 4, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 9

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-42-19-10.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2005]: **Sec. 10.8. (a) After:**

4 (1) **informing a patient that the patient may authorize the**
5 **specification on a legend drug container label of the symptom**
6 **or purpose for which the legend drug is prescribed for the**
7 **patient; and**

8 (2) **receiving authorization from the patient;**
9 **a practitioner may specify on the prescription, or on the legend**
10 **drug container label if the legend drug is delivered by the**
11 **practitioner as described in section 11(a)(2) of this chapter, the**
12 **symptom or purpose for which the legend drug is prescribed.**

13 (b) **A practitioner who:**

14 (1) **does not provide the information set forth in subsection**
15 **(a)(1) to a patient for whom the practitioner is prescribing a**
16 **legend drug; or**

17 (2) **specifies on a prescription, or on the legend drug container**



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label if the legend drug is delivered by the practitioner as described in section 11(a)(2) of this chapter, the symptom or purpose for which the legend drug is prescribed, even though the conditions set forth in subsection (a)(1) and (a)(2) are not met;

is not subject to disciplinary sanctions or a civil action for the action or inaction described in this subsection, and the action or inaction of the practitioner as described in this subsection may not be used as evidence in a civil action against the practitioner.

SECTION 2. IC 16-42-19-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) Except as provided in section 21 of this chapter, a person may not sell a legend drug unless either of the following conditions exist:

(1) Except as provided in subsection (b), the legend drug is dispensed by a pharmacist upon an original prescription or drug order with the drug product specified on the prescription or drug order or by the authorization of the practitioner and there is affixed to the immediate container in which the drug is delivered a label bearing the following:

(A) The name, address, and phone number of the establishment from which the drug was dispensed.

(B) The date on which the prescription for the drug was filled.

(C) The number of the prescription as filed in the prescription files of the pharmacist who filled the prescription.

(D) The name of the practitioner who prescribed the drug.

(E) The name of the patient, or if the drug was prescribed for an animal, a statement of the species of the animal.

(F) The directions for the use of the drug as contained in the prescription.

(G) The symptom or purpose for which the drug is prescribed, if:

(i) the drug is dispensed upon a prescription; and

(ii) the practitioner has specified on the prescription the symptom or purpose for which the drug is prescribed.

(2) The legend drug is delivered by the practitioner in good faith in the course of practice and the immediate container in which the drug is delivered bears a label on which appears the following:

(A) The directions for use of the drug.

(B) The name and address of the practitioner.

(C) The name of the patient.

(D) If the drug is prescribed for an animal, a statement of the species of the animal.

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This section does not prohibit a practitioner from delivering professional samples of legend drugs in their original containers in the course of the practitioner's practice when oral directions for use are given at the time of delivery.

(b) Notwithstanding subsection (a)(1), the following apply:

(1) A pharmacist at a hospital licensed under IC 16-21 may fill a drug order for a legend drug with a drug product allowed under the hospital's policies and procedures for the use, selection, and procurement of drugs.

(2) A pharmacist who fills a prescription for a legend drug must comply with IC 16-42-22 and IC 25-26-16.

SECTION 3. IC 16-42-19-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) A person who knowingly violates this chapter, except sections **10.8**, 24, and 25(c) of this chapter, commits a Class D felony. However, the offense is a Class C felony if the person has a prior conviction under this subsection or IC 16-6-8-10(a) before its repeal.

(b) A person who violates section 24 of this chapter commits a Class B misdemeanor.

(c) A person who violates section 25(b) of this chapter commits dealing in an anabolic steroid, a Class C felony. However, the offense is a Class B felony if the person delivered the anabolic steroid to a person who is:

(1) less than eighteen (18) years of age; and

(2) at least three (3) years younger than the delivering person.

SECTION 4. IC 34-30-2-84.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 84.3. IC 16-42-19-10.8 (Concerning specification on a legend drug container label of the symptom or purpose for which the legend drug is prescribed).**

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